

REMARKS

Claims 1-9 and 11-18 are all the claims pending in the application. Claims 16-18 are withdrawn from consideration as being drawn to a non-elected invention. Claims 1-15 presently stand rejected. Applicants cancel claim 10 by way of this Amendment.

I. Rejection -- §112, first paragraph

Claims 1-15 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. In particular, the Examiner (1) considers “deodorizing means is not exposed to a flow of liquid” to be new matter, and (2) asserts that the specification fails to disclose the structure that would guarantee that the flushing liquid would not touch the deodorizing means. (See Final Office Action at paragraph no. 3.)

However, the originally filed specification clearly supports the subject matter. For example, page 1 (paragraph [0006]), states “...the deodorizing insert is therefore not located above the inlet, but in an essentially dry area below the inlet. This arrangement has the significant advantage that the deodorizing insert is **not exposed to a flow of liquid...**” Thus, this subject matter of the claims should not be considered new matter.

Additionally, the specification clearly provides a structure in which the flushing liquid would not touch the deodorizing means. For instance, FIG. 1 shows that the insert 11 is disposed under the cover 10, and around the outside of the inlet tube 7. FIG. 2 depicts the gas and liquid flows, wherein the liquid does not touch the deodorizing insert 11. Clearly, the liquid flows through the inside 35 of the tube 7 without contacting the insert 11. The deodorizing means is entirely located underneath the inlet 6 and above the overflow edge 20 in an essentially dry area of the odor trap 1. Thus, the specification clearly discloses a structure in which the flushing

liquid would not touch the deodorizing means, and the claims meet the requirements of § 112, first paragraph.

II. Rejection -- § 112, second paragraph

Claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner considers that the limitation “deodorizing means is not exposed to a flow of liquid” is a negative limitation “which raises the question as to what structure that would guarantee that the flushing liquid would not touch the deodorizing means.”

As stated in MPEP § 2173.05(i), “there is nothing inherently ambiguous or uncertain about a negative limitation.” In the instant claims and specification, the boundaries of the patent protection sought are set forth definitely, and the negative limitation has a literal basis in the original disclosure. Throughout the originally filed application, Applicants have set forth the desire and benefits of having a deodorizing means provided in an odor trap of a waterless or low-flush urinal, wherein odors are removed during air circulation. Because the deodorizing means is installed in an essentially dry area in the odor trap, it will last a long time. As fully illustrated in the drawings and described in the specification, the odor trap has an area underneath the inlet and above the overflow edge in which the deodorizing means would not be exposed to a flow of liquid.

The boundaries of the patent protection are set forth definitely. Moreover, claim 1 has been amended to recite the structural arrangement in which the deodorizing means has a middle portion through which the inlet tube passes, so that liquid can drain without touching the

deodorizing means. This subject matter is fully supported by the drawing figures and paragraphs [0006], [0020] and [0021] at least.

Thus, the claims are definite in accordance with § 112, second paragraph.

III. Rejection -- § 102(b)

Claims 1-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 9-21164.

Idota discloses a urinal trap provided with a chemical housing area 44 located on the cover 36. A urolith preventive agent 50 is housed in that housing area 44. When the urinal is flushed, a part of the urolith preventive agent 50 is dissolved by liquid passing over the agent 50. The water containing the dissolved agent 50 flows through the holes 48 and then into the trap. The agent 50 is not a deodorizing means; it is provided to dissolve the urolith rather than deodorize the air. As the agent 50 must be dissolved in order to flow into the trap, it must be exposed to the flow of liquid in order to be effective.

The Examiner states that “[t]he recessed chamber 44 where agent 50 is located has plural apertures (48) on the sidewall (46) at the bottom that allow water to flow therethrough as shown in Figs. 1, 3 and 4 of Idota.” Thus, the Examiner admits that water flows through the chamber having the chemical agent (50).

The Examiner continues on to state that the “deodorizing means (50) is not exposed to a flow of liquid during a non-flushing cycle, which is when the toilet [is] not being used.”

While it is believed that this previous version of claim 1 is distinguishable from Idota in which water is purposely passed over the deodorizing means, Applicant amends claim 1 as discussed below to clarify that the deodorizing means is not exposed to liquid when liquid passes through the odor trap.

In the present invention, the deodorizing means is provided in a dry area which remains dry even when liquid passes through the inlet tube 7 of the odor trap. This is completely different from Idota in which water purposely flows over the deodorizing means when liquid drains from the urinal.

In an effort to further clarify the distinction between claim 1 and Idota, claim 1 is amended to state that the odor trap includes “an inlet tube for draining liquid from the inlet toward said overflow edge, wherein said deodorizing means has a passage in a middle portion thereof for accommodating said inlet tube so that a liquid is able to travel from the inlet of the urinal and through said inlet tube without directly contacting said deodorizing means” and that “the deodorizing means is not exposed to a flow of liquid when a liquid flows through said odor trap”. These changes to claim 1 are fully supported by FIGS. 1 and 2, and at least paragraphs [0006], [0020], [0021], and [0024] of the specification.

Idota fails to disclose an inlet tube accommodated in a middle portion of the deodorizing means so that liquid is able to travel from the inlet of the urinal and through the inlet tube without directly contacting the deodorizing means. Rather, as noted above, liquid is intentionally flowed over the element 50, and there is no capability of having the structural configuration of the recited inlet tube with respect to the deodorizing means of the present invention.

Thus, claim 1 is distinguishable from Idota.

Moreover, the remaining rejected claims 2-9 and 11-15 are patentable for at least the same reasons as claim 1, by virtue of their dependency therefrom.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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